



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 28, 2020

BY ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

8/31/2020

The September 10
VOSR is adjourned to
Monday, October 12,
2020 at 11:30 AM. SO
ORDERED.

Re: *United States v. Miguel Moore*, 15 Cr. 581 (PAC)

Dear Judge Crotty:

As the Court may recall, the defendant was arrested on July 19, 2015, after two NYPD officers found a loaded 9-millimeter pistol in his pants during a routine traffic stop. At a suppression hearing, the officers' testimony—corroborated by contemporaneous radio calls—established that the defendant had drawn the gun on the officers and attempted to point it at them while yelling that he would shoot them. *See* Dkt. #18 at 4-86, 103-54. Backup arrived, and the defendant was eventually subdued after fighting with, and trying to shoot, the officers for several minutes. *Id.* at 154-83. At sentencing, the Government's position was that the applicable Sentencing Guidelines range was 92 to 115 months' imprisonment, and it urged the Court to impose a sentence at the high end of that range. *See* Dkt. #37. The Court calculated the Guidelines differently and imposed a sentence of 51 months' imprisonment, followed by three years of supervised release. *See* Dkt. #40.

The defendant sustained approximately sixteen disciplinary infractions while in federal custody, including ones for participating in a large plot to distribute K2 synthetic marijuana, one for possessing a dangerous weapon, one for fighting, and four for assault. His supervised release began on August 9, 2019.

On May 4, 2020, the defendant was arrested in Mount Vernon on charges of criminal possession of approximately two grams of crack cocaine, approximately four ounces of marijuana, and a loaded .22-caliber revolver.¹ Two days later, the United States Probation Office in the District of Connecticut filed a Petition based on the defendant's violation of the conditions of his supervised release. The matter was then transferred back to this Court, which

¹ The revolver was found in the back of the police car where the defendant was placed following his arrest. The Government has learned from Westchester County prosecutors that subsequent investigation has revealed the gun had DNA on it matching another individual, who police had arrested and transported in the same police car several days earlier.

appointed Louis Freeman, Esq. to represent the defendant. *See* Dkt. #49. The Court also set a conference control date of Thursday, September 10, 2020.

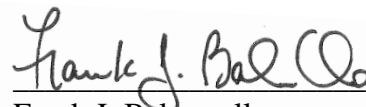
The defendant remains in state custody based on a parole violation, and his next appearance on the state case is scheduled for September 17, 2020.² The Government obtained two writs to transport him into federal custody, one dated May 11, 2020 and the second dated July 14, 2020. The United States Marshals Service has advised the undersigned, however, that it would not transport the defendant (or any other inmates) from state to federal custody due to the COVID-19 pandemic.

Accordingly, the Government respectfully requests that the September 10, 2020 date be adjourned and that whenever a presentment and arraignment on the Probation Petition is scheduled, it be conducted by teleconference, assuming the state facility where the defendant is housed can accommodate such a request. The undersigned has attempted to communicate with defense counsel, Mr. Freeman, but has thus far been unsuccessful. His position on the Government's requested adjournment is not known at this time.

Respectfully submitted,

AUDREY STRAUSS
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Southern District of New York

By:



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cc: Louis Freeman, Esq., *counsel for defendant Miguel Moore* (by ECF)

² The defendant was initially detained at Westchester County Jail on the state charges stemming from the instant arrest. Earlier this morning, the Government learned that on July 28, 2020, he was ordered released on his own recognizance on those charges. He is now housed at Downstate Correctional Facility on the parole violation, and he is expected to be moved to Greene Correctional Facility sometime next week.